

PETITION FOR ZONING VARIANCE 34-103-A  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To permit a sideyard setback of five feet (5') instead of the required ten feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. House design with proper insulation requires 37' to 38' Width
2. House design is based on conformance with adjoining properties
3. Attempt to move proposed house as far away as possible from existing House #22 for appearances

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

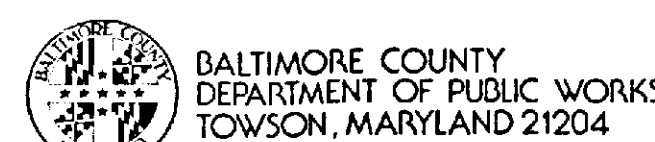
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Zip \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Zip \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted \_\_\_\_\_  
City and State \_\_\_\_\_  
Zip \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
Address \_\_\_\_\_  
Phone No. \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 1983, at 10:00 o'clock \_\_\_\_\_ A.M.

*Carl Jones*  
Zoning Commissioner of Baltimore County.

(over)



HARRY J. PISTEL, P.E.  
DIRECTOR

September 15, 1983

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #42 (1983-1984)  
Property Owner: Robert D. Battista  
S/S Aigburth Road, 299.8' E. Cedar Ave.  
Acres: 55 X 250 District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Comments were supplied October 18, 1982 in connection with the Preliminary Plan of this subdivision.

Baltimore County highway and utility improvements are not directly involved.

Aigburth Road, an existing County road, is proposed to be further improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 42 (1983-1984).

Very truly yours,

*Robert A. McKelvey*  
ROBERT A. MCKELVEY, P.E., Chief  
Bureau of Public Services

RAM:EM:FWR:SS

cc: Harris Shalowitz

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
S/S Aigburth Rd., 299' E of : OF BALTIMORE COUNTY  
Cedar Ave., 9th District  
ROBERT D. BATTISTA, Petitioner : Case No. 84-103-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
*John W. Hession, III*  
John W. Hession, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 3rd day of October, 1983, a copy of the foregoing

Order was mailed to Mr. Robert D. Battista, 202 Aigburth Road, Towson, MD 21204,

Petitioner.

*John W. Hession, III*  
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 11, 1983

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

RE: Item No. 42 - Case No. 84-103-A  
Petitioner - Robert D. Battista  
Variance Petition

Dear Mr. Battista:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner  
To: Office of Planning and Zoning

Date: August 31, 1983

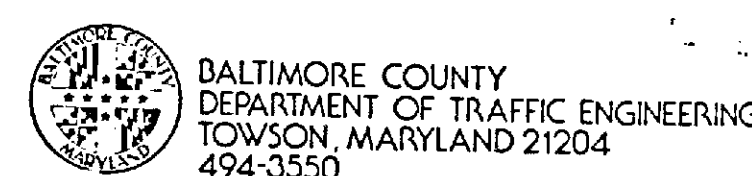
FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item #35 - Garrett Leasing Associates
- Item #36 - Joris & Carol Brooks
- Item #38 - William F. Wilke, Inc.
- Item #39 - Raymond J. & Pio J. Marocco
- Item #40 - Charles & Mary Hebbel
- Item #41 - Calvin & Joan L. Hornstein
- Item #42 - Robert D. Battista

IJF/fth



STEPHEN E. COLLINS  
DIRECTOR

September 1, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 36, 37, 39, 40, 42 ZAC - Meeting of August 9, 1983  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

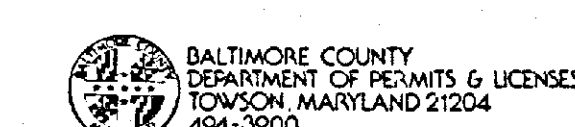
Acres:  
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 36, 37, 40, and 42.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Assoc. II

MSP/ccm



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
202 AIGBURTH ROAD  
TOWSON, MARYLAND 21204  
494-3900

September 20, 1983

TED ZALEM, JR.  
DIRECTOR

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 42 Zoning Advisory Committee Meeting are as follows:

Property Owner: Robert D. Battista  
S/S Aigburth Avenue 299.8' E. Cedar Avenue  
Acres: 55 X 250  
District: 9th  
Proposed Zoning: Variance to permit a side yard setback of 5' in lieu of the required 10'.

The items checked below are applicable:

- X A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 and other applicable codes.
- X B. A building and other miscellaneous permits shall be required before beginning construction.
- X C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal 30/16 not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- NOTE: X E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewal is required if construction is on the lot line, see Table 601, line 2, Section 1407 and Table 1401.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s \_\_\_\_\_
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed con comply with the height/area requirements of Table 505 and the required construction classification of Table 601.
- I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.

If desired, additional information may be obtained by visiting Room #122 (Plans Service) at 11 West Chesapeake Ave., 21204.

Very truly yours,

*Charles E. Hamman*  
Charles E. Hamman, Chief  
Plans Service

CEH:rtj

FORM 01-82



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Zoning Commissioner  
Date: October 7, 1983  
FROM: Norman E. Gerber, Director  
Office of Planning and Zoning  
SUBJECT: Robert D. Battista  
84-103-A

There are no comprehensive planning factors requiring comment on this petition.

*Norman E. Gerber*  
Norman E. Gerber  
Director of Planning and Zoning

NEG:JGH:cav

IN RE: PETITION ZONING VARIANCE  
S/S of Aigburth Road, 299' E of  
Cedar Avenue - 9th Election  
District  
Robert D. Battista,  
Petitioner  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 84-103-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of five feet instead of the required ten feet. The purpose of the request is to erect a new home on the subject property, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. No Protestants appeared.

Testimony indicated, and was uncontested, that the property is zoned D.R.5.5. The Petitioner owns the parcel next to the parcel which is the subject of this request, on which currently exists a four-apartment dwelling, identified on Petitioner's Exhibit 1 as Lot 1. The Petitioner would like permission to build a home, 38' x 40', more or less, on Lot 1A, as identified on the site plan, and more specifically described thereon. The house the Petitioner intends to build, and in which he will reside, would require a five-foot side yard setback on the side abutting his other property. Although he can build a home on Lot 1A which will comply with requisite zoning area dimensions, the Petitioner testified that over 80% of the homes in the neighborhood are of the same size as that which he intends to build. A smaller home would not complement or be in harmony with the neighborhood.

The Petitioner testified that his immediate neighbor to the right, identified on the site plan as "Exist. Dwlg. #22", does not object.

ORDER RECEIVED FOR FILING  
DATE *October 29, 1983*  
BY *John P. Langley*

The Petitioner seeks relief from Section 1B02.3C.1., pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was to be granted, such use as proposed would not be contrary to the spirit of the regulations, and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance was not to be granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variance requested should be granted.



ARNOLD JABLON  
ZONING COMMISSIONER

October 13, 1983

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

Re: Petition for Variance  
S/S Aigburth Rd., 299' E of  
Cedar Avenue  
Case No. 84-103-A

Dear Mr. Battista:

This is to advise you that \$49.69 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 122903

DATE *10-18-83* ACCOUNT *R-01-615-000*

AMOUNT *\$49.69*

RECEIVED FROM *Robert D. Battista*  
FOR *Advertising & Posting Case #84-103-A*

6 060\*\*\*\*\*05810 8182A  
VALIDATION OR SIGNATURE OF CARRIER

## ZONING DESCRIPTION

Beginning on the South side of Aigburth Road at a distance of 299'-8" East of Cedar Avenue, being Lot #1A on the plat of "Robert D. Battista" recorded in Plat Book E.H.K. No. 49, Folio 128. Also known as 200 Aigburth Road.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *October 29* day of October, 1983, that the Petition for Variance to permit a side yard setback of five feet instead of the required ten feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- The Petitioner has indicated that the exact location of his proposed home has not been determined and might be moved southward from the location indicated on Petitioner's Exhibit 1. The Petitioner may move the location but must maintain a side yard setback of 12 feet on the right facing dwelling #22 and five feet on the other side yard setback. In addition, the front yard depth must be at least 25 feet. The Petitioner must submit an amended site plan before a building permit can be issued showing the exact location of the home.

*Arnold Jablon*  
Zoning Commissioner of  
Baltimore County

## PETITION FOR VARIANCE

9th Election District

ZONING: Petition for Variance  
LOCATION: South side Aigburth Road, 299 ft. East of Cedar Avenue  
DATE & TIME: Wednesday, October 19, 1983 at 10:00 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side yard setback of 5 ft. instead of the required 10 ft.

The Zoning Regulation to be excepted as follows:  
Section 1B02.3C.1 - side yard setback in D.R. 5.5 zone

All that parcel of land in the Ninth District of Baltimore County

Being the property of Robert D. Battista, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

DATE *October 29, 1983*  
BY *John P. Langley*



# BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent  
Towson, Maryland - 21204

Date: August 4, 1983

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: August 9, 1983

RE: Item No: 35, 36, 37, 38, 39, 40, 41 (42)  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no bearing on student population.

Very truly yours,  
*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Md. 21204

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
9th day of August, 1983.

Petitioner Robert D. Battista  
Petitioner's Attorney  
Received by Nick Petrovich  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 9 Date of Posting 10/2/83  
Posted for Petition for Variance  
Petitioner Robert D. Battista  
Location of property 3/2 Aigburth Rd., 299' E of  
Cedar Ave.  
Location of Signs front of property (facing Aigburth)  
Remarks: See 2nd sheet Date of return 10/7/83  
Posted by Signature  
Number of Signs 1

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

## NOTICE OF HEARING

Re: Petition for Variance  
S/S Aigburth Rd., 299' E of Cedar Ave.  
Robert D. Battista - Petitioner  
Case No. 84-103-A

TIME: 10:00 A.M.

DATE: Wednesday, October 19, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake  
Avenue, Towson, Maryland

*Arnold Jablon*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 119435

DATE 8/1/83 ACCOUNT 01-615-000  
AMOUNT \$ 35.00  
RECEIVED FROM Robert D. Battista  
FOR File in R. D. Battista #92  
6 012\*\*\*\*\*354010 8012A  
VALIDATION OR SIGNATURE OF CASHIER

## CERTIFICATE OF PUBLICATION

TOWSON, MD., September 22, 1983.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 19th day of September, 1983, before the 19th day of October, 1983, the 29th day of September, 1983.

Cost of Advertisement, \$ 19.25

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for successive weeks, the first publication appearing on the 28th day of Sept 1983.

THE TOWSON TIMES  
*Wm. H. Pusch*  
Cost of Advertisement, \$ 25.44

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

October 20, 1983

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

IN RE: Petition Zoning Variance  
S/S of Aigburth Road, 299' E of  
Cedar Avenue - 9th Election  
District  
Robert D. Battista, Petitioner  
Case No. 84-103-A

Dear Mr. Battista:

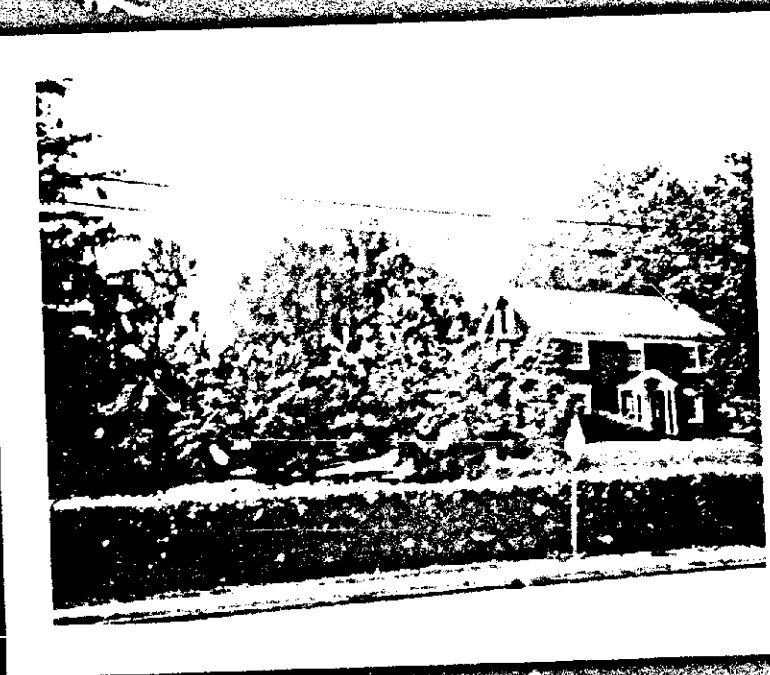
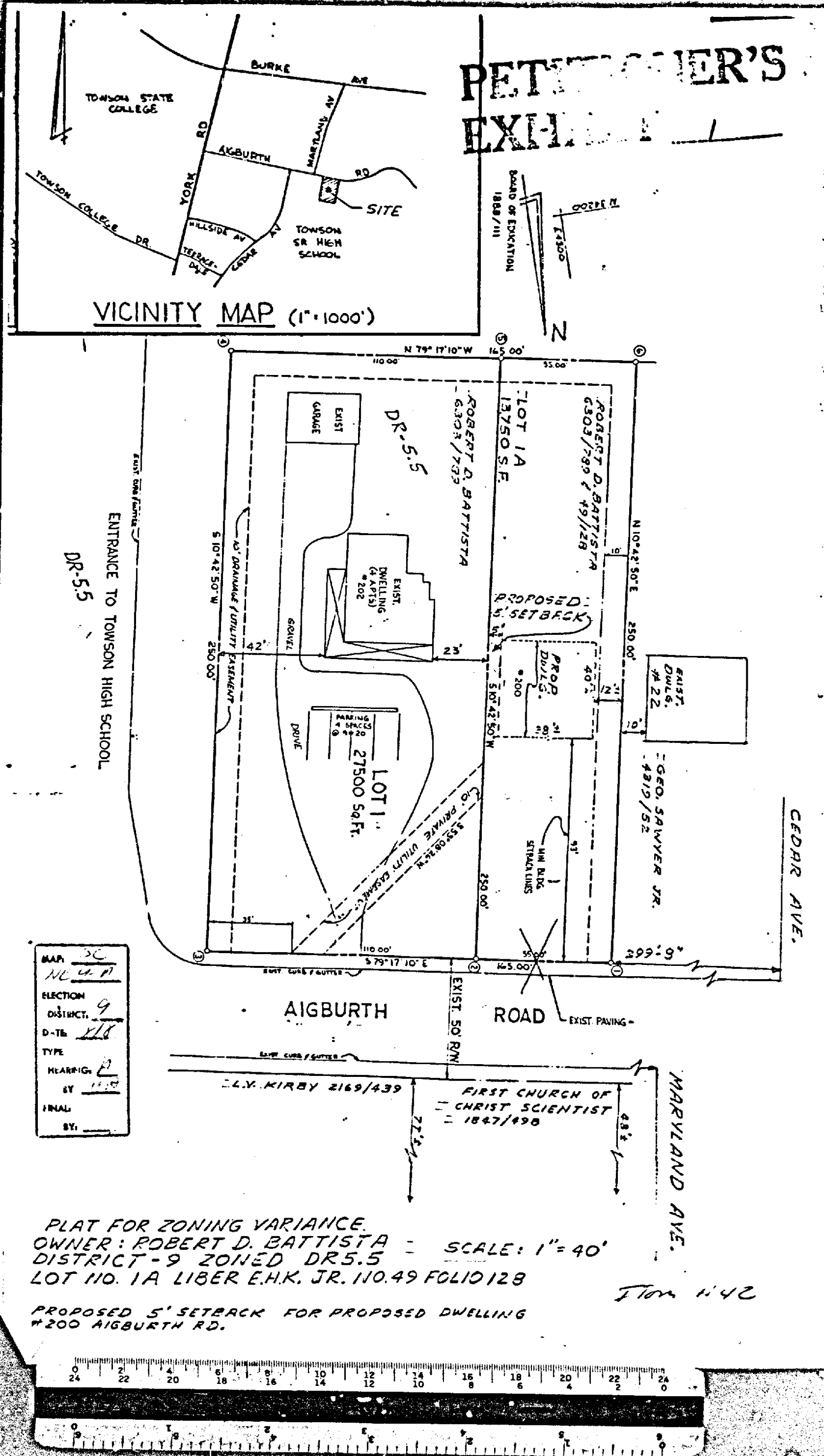
I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,  
*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

AJ/srl

Attachments

cc: John W. Hessian, III, Esquire  
People's Counsel





PETITION FOR ZONING VARIANCE 34-103-A  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To permit a sideyard setback of five feet (5') instead of the required ten feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. House design with proper insulation requires 37' to 38' Width
2. House design is based on conformance with adjoining properties
3. Attempt to move proposed house as far away as possible from existing House #22 for appearances

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

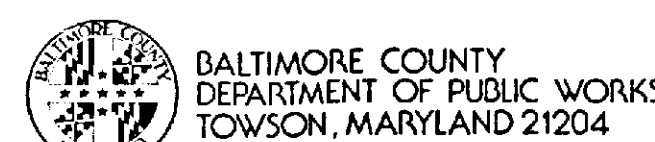
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Zip \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Zip \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted \_\_\_\_\_  
City and State \_\_\_\_\_  
Zip \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
Address \_\_\_\_\_  
Phone No. \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 1983, at 10:00 o'clock \_\_\_\_\_ A.M.

*Carl Jones*  
Zoning Commissioner of Baltimore County.

(over)



HARRY J. PISTEL, P.E.  
DIRECTOR

September 15, 1983

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #42 (1983-1984)  
Property Owner: Robert D. Battista  
S/S Aigburth Road, 299.8' E. Cedar Ave.  
Acres: 55 X 250 District: 9th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Comments were supplied October 18, 1982 in connection with the Preliminary Plan of this subdivision.

Baltimore County highway and utility improvements are not directly involved.

Aigburth Road, an existing County road, is proposed to be further improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 42 (1983-1984).

Very truly yours,

*Robert A. McKen*  
ROBERT A. MCKEN, P.E., Chief  
Bureau of Public Services

RAM:EM:FWR:SA

cc: Harris Shalowitz

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
S/S Aigburth Rd., 299' E of : OF BALTIMORE COUNTY  
Cedar Ave., 9th District  
ROBERT D. BATTISTA, Petitioner : Case No. 84-103-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
*John W. Hession, III*  
John W. Hession, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 3rd day of October, 1983, a copy of the foregoing

Order was mailed to Mr. Robert D. Battista, 202 Aigburth Road, Towson, MD 21204,

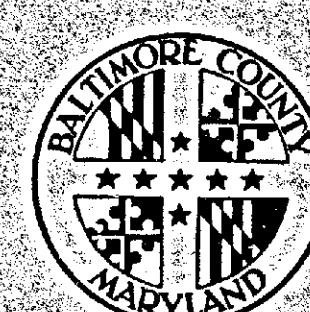
Petitioner.

*John W. Hession, III*  
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 11, 1983

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

RE: Item No. 42 - Case No. 84-103-A  
Petitioner - Robert D. Battista  
Variance Petition

Dear Mr. Battista:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner  
To: Office of Planning and Zoning

Date: August 31, 1983

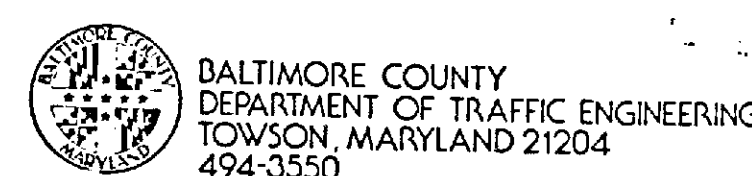
FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item #35 - Garrett Leasing Associates
- Item #36 - Joris & Carol Brooks
- Item #38 - William F. Wilke, Inc.
- Item #39 - Raymond J. & Pio J. Marocco
- Item #40 - Charles & Mary Hebbel
- Item #41 - Calvin & Joan L. Hornstein
- Item #42 - Robert D. Battista

IJF/fth



STEPHEN E. COLLINS  
DIRECTOR

September 1, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 36, 37, 39, 40, 42 ZAC - Meeting of August 9, 1983  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

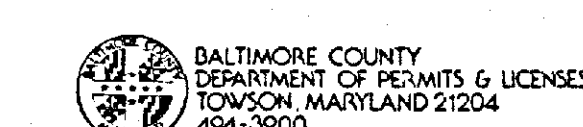
Acres:  
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 36, 37, 40, and 42.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Assoc. II

MSP/ccm



September 20, 1983

TED ZALEM, JR.  
DIRECTOR

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 42 Zoning Advisory Committee Meeting are as follows:

Property Owner: Robert D. Battista  
Location: S/S Aigburth Avenue 299.8' E. Cedar Avenue  
Existing Zoning: 10-1  
Proposed Zoning: Variance to permit a side yard setback of 5' in lieu of the required 10'.  
Acres: 55 X 250  
District: 9th

The items checked below are applicable:

- X A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 (Minimum Requirements for Building Construction) and other applicable Codes.
- X B. A building and other miscellaneous permits shall be required before beginning construction.
- X C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal 30/15 not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

NOTE: X B. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewal is required if construction is on the lot line, see Table 601, line 2, Section 1007 and Table 1001.

F. Requested variance conflicts with the Baltimore County Building Code, Section/s \_\_\_\_\_

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed con comply with the height/area requirements of Table 505 and the required construction classification of Table 601.

I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.  
If desired, additional information may be obtained by visiting Room #122 (Plans Service) at 11 West Chesapeake Ave., 21204.

Very truly yours,

*Charles E. Berman*  
Charles E. Berman, Chief  
Plans Service

CEB:rwj

FORM 01-82



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Zoning Commissioner  
Date: October 7, 1983  
FROM: Norman E. Gerber, Director  
Office of Planning and Zoning  
SUBJECT: Robert D. Battista  
84-103-A

There are no comprehensive planning factors requiring comment on this petition.

*Norman E. Gerber*  
Norman E. Gerber  
Director of Planning and Zoning

NEG:JGH:cav

IN RE: PETITION ZONING VARIANCE  
S/S of Aigburth Road, 299' E of  
Cedar Avenue - 9th Election  
District  
Robert D. Battista,  
Petitioner  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 84-103-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of five feet instead of the required ten feet. The purpose of the request is to erect a new home on the subject property, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. No Protestants appeared.

Testimony indicated, and was uncontested, that the property is zoned D.R.5.5. The Petitioner owns the parcel next to the parcel which is the subject of this request, on which currently exists a four-apartment dwelling, identified on Petitioner's Exhibit 1 as Lot 1. The Petitioner would like permission to build a home, 38' x 40', more or less, on Lot 1A, as identified on the site plan, and more specifically described thereon. The house the Petitioner intends to build, and in which he will reside, would require a five-foot side yard setback on the side abutting his other property. Although he can build a home on Lot 1A which will comply with requisite zoning area dimensions, the Petitioner testified that over 80% of the homes in the neighborhood are of the same size as that which he intends to build. A smaller home would not complement or be in harmony with the neighborhood.

The Petitioner testified that his immediate neighbor to the right, identified on the site plan as "Exist. Dwlg. #22", does not object.

ORDER RECEIVED FOR FILING  
DATE *October 29, 1983*  
BY *John P. Langley*

The Petitioner seeks relief from Section 1B02.3C.1., pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was to be granted, such use as proposed would not be contrary to the spirit of the regulations, and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance was not to be granted. It has been established that the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variance requested should be granted.

- 2 -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of October, 1983, that the Petition for Variance to permit a side yard setback of five feet instead of the required ten feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner has indicated that the exact location of his proposed home has not been determined and might be moved southward from the location indicated on Petitioner's Exhibit 1. The Petitioner may move the location but must maintain a side yard setback of 12 feet on the right facing dwelling #22 and five feet on the other side yard setback. In addition, the front yard depth must be at least 25 feet. The Petitioner must submit an amended site plan before a building permit can be issued showing the exact location of the home.

*Arnold Jablon*  
Zoning Commissioner of  
Baltimore County

## PETITION FOR VARIANCE

9th Election District

ZONING: Petition for Variance  
LOCATION: South side Aigburth Road, 299 ft. East of Cedar Avenue  
DATE & TIME: Wednesday, October 19, 1983 at 10:00 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side yard setback of 5 ft. instead of the required 10 ft.

The Zoning Regulation to be excepted as follows:  
Section 1B02.3C.1 - side yard setback in D.R. 5.5 zone

All that parcel of land in the Ninth District of Baltimore County

Being the property of Robert D. Battista, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

October 13, 1983

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

Re: Petition for Variance  
S/S Aigburth Rd., 299' E of  
Cedar Avenue  
Case No. 84-103-A

Dear Mr. Battista:

This is to advise you that \$49.69 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 122903

DATE 10-18-83 ACCOUNT R-01-615-000

AMOUNT \$ 49.69

RECEIVED FROM Robert D. Battista  
FOR Advertising & Posting Case #84-103-A

6 060\*\*\*\*\*05810 8182A  
VALIDATION OR SIGNATURE OF CASHIER

ORDER RECEIVED FOR FILING

DATE *October 29, 1983*  
BY *John P. Langley*

- 3 -



# BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent  
Towson, Maryland - 21204

Date: August 4, 1983

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: August 9, 1983

RE: Item No: 35, 36, 37, 38, 39, 40, 41 (42)  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no bearing on student population.

Very truly yours,  
*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Md. 21204

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
9th day of August, 1983.

Petitioner Robert D. Battista  
Petitioner's Attorney  
Received by Nick Petrovich  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9 Date of Posting 10/2/83  
Posted for Petition for Variance  
Petitioner: Robert D. Battista  
Location of property: 3/2 Aigburth Rd., 299' E of  
Cedar Ave.  
Location of Signs: front of property (facing Aigburth)  
Remarks:  
Posted by Wm. D. Adams Date of return: 10/7/83  
Number of Signs: 1

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

## NOTICE OF HEARING

Re: Petition for Variance  
S/S Aigburth Rd., 299' E of Cedar Ave.  
Robert D. Battista - Petitioner  
Case No. 84-103-A

TIME: 10:00 A.M.

DATE: Wednesday, October 19, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake  
Avenue, Towson, Maryland

*Arnold Jablon*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 119435

DATE 8/1/83 ACCOUNT 01-615-000  
AMOUNT \$ 35.00

RECEIVED FROM Robert D. Battista  
FOR File on R. D. Battista #92

012\*\*\*\*\*354010 8012A

VALIDATION OR SIGNATURE OF CASHIER

## CERTIFICATE OF PUBLICATION

TOWSON, MD., September 22, 1983.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 22nd day of September, 1983, before the 19th day of October, 1983, the 29th day of September, 1983.

THE JEFFERSONIAN  
*L. Frank Strickland*  
Manager.

Cost of Advertisement, \$ 19.25

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for successive weeks, the first publication appearing on the 28th day of Sept 1983.

THE TOWSON TIMES  
*Wm. H. Pusch*  
Cost of Advertisement, \$ 25.44

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

October 20, 1983

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

IN RE: Petition Zoning Variance  
S/S of Aigburth Road, 299' E of  
Cedar Avenue - 9th Election  
District  
Robert D. Battista, Petitioner  
Case No. 84-103-A

Dear Mr. Battista:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

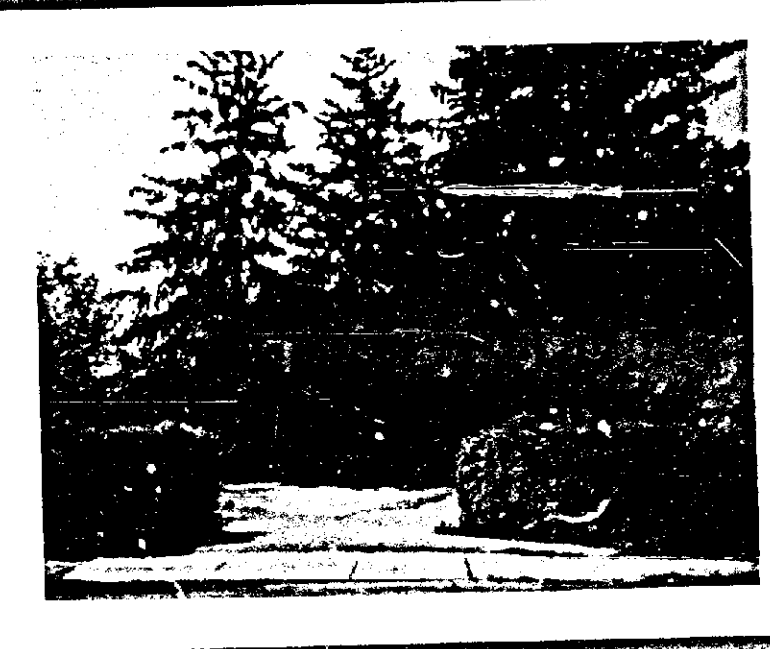
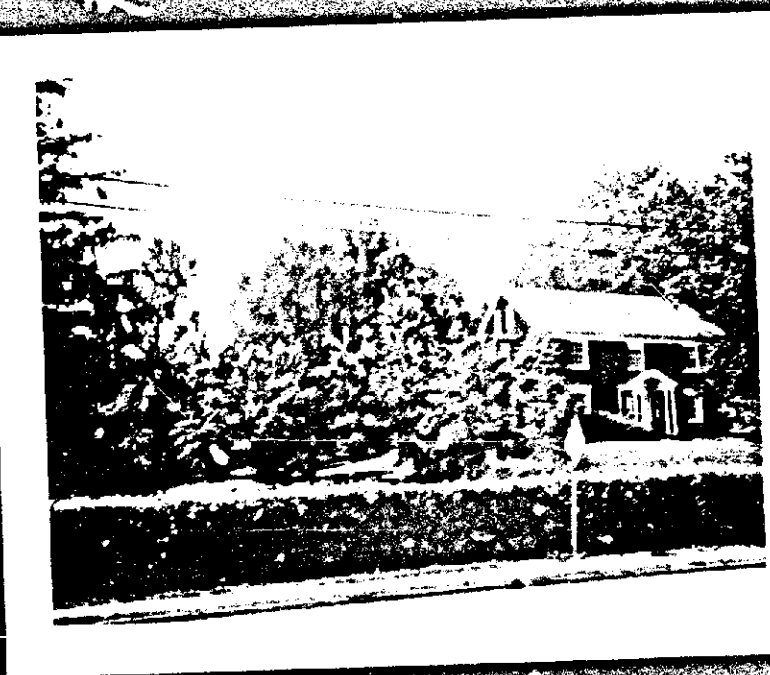
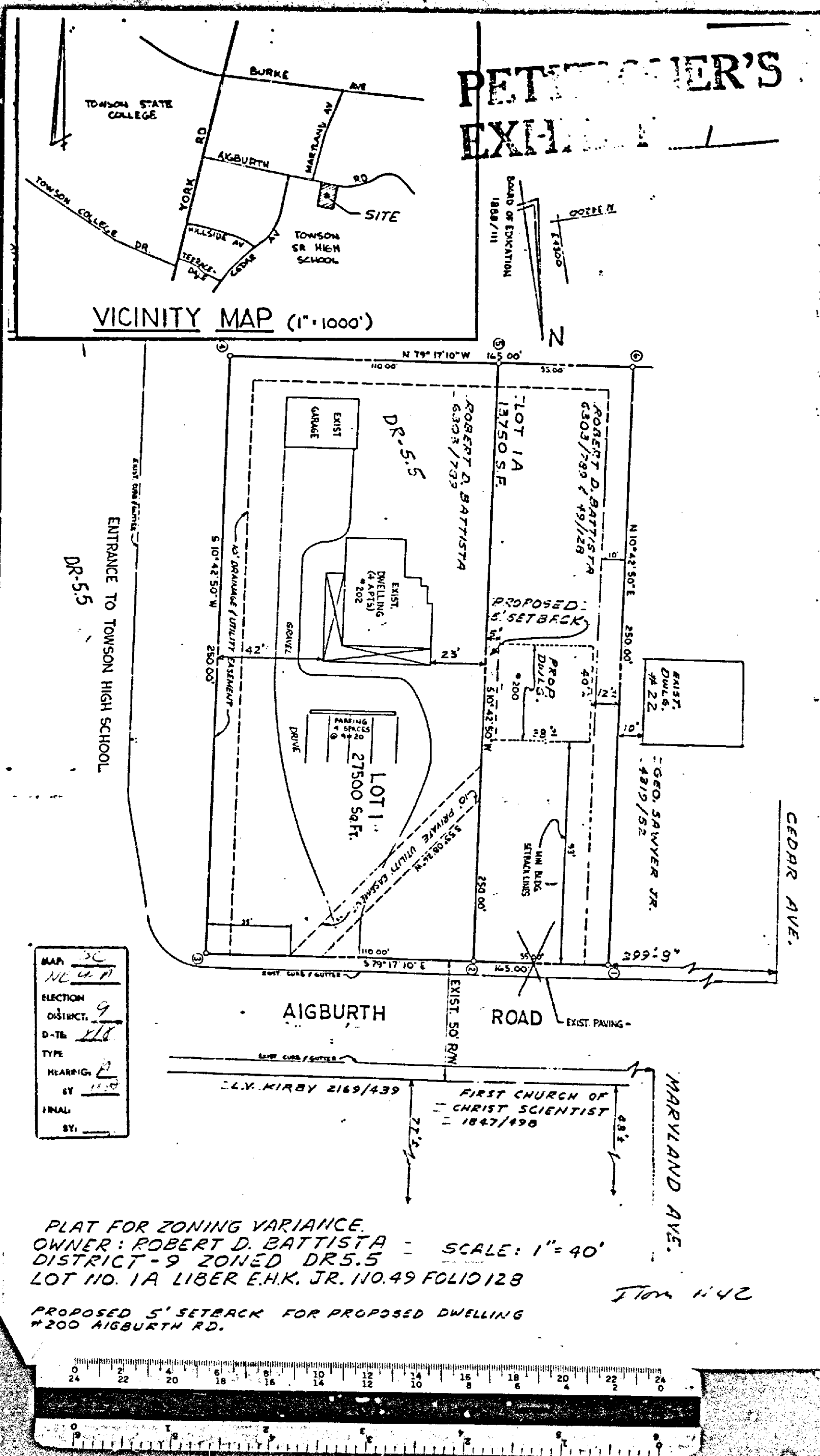
Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

AJ/srl

Attachments

cc: John W. Hession, III, Esquire  
People's Counsel









Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Zoning Commissioner  
Date: October 7, 1983  
FROM: Norman E. Gerber, Director  
Office of Planning and Zoning  
SUBJECT: Robert D. Battista  
84-103-A

There are no comprehensive planning factors requiring comment on this petition.

*Norman E. Gerber*  
Norman E. Gerber  
Director of Planning and Zoning

NEG:JGH:cav

IN RE: PETITION ZONING VARIANCE  
S/S of Aigburth Road, 299' E of  
Cedar Avenue - 9th Election  
District  
Robert D. Battista,  
Petitioner  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 84-103-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of five feet instead of the required ten feet. The purpose of the request is to erect a new home on the subject property, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. No Protestants appeared.

Testimony indicated, and was uncontested, that the property is zoned D.R.5.5. The Petitioner owns the parcel next to the parcel which is the subject of this request, on which currently exists a four-apartment dwelling, identified on Petitioner's Exhibit 1 as Lot 1. The Petitioner would like permission to build a home, 38' x 40', more or less, on Lot 1A, as identified on the site plan, and more specifically described thereon. The house the Petitioner intends to build, and in which he will reside, would require a five-foot side yard setback on the side abutting his other property. Although he can build a home on Lot 1A which will comply with requisite zoning area dimensions, the Petitioner testified that over 80% of the homes in the neighborhood are of the same size as that which he intends to build. A smaller home would not complement or be in harmony with the neighborhood.

The Petitioner testified that his immediate neighbor to the right, identified on the site plan as "Exist. Dwlg. #22", does not object.

ORDER RECEIVED FOR FILING  
DATE *October 29, 1983*  
BY *John P. Langley*

The Petitioner seeks relief from Section 1B02.3C.1., pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was to be granted, such use as proposed would not be contrary to the spirit of the regulations, and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance was not to be granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variance requested should be granted.

ORDER RECEIVED FOR FILING  
DATE *October 29, 1983*  
BY *John P. Langley*

- 2 -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of October, 1983, that the Petition for Variance to permit a side yard setback of five feet instead of the required ten feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner has indicated that the exact location of his proposed home has not been determined and might be moved southward from the location indicated on Petitioner's Exhibit 1. The Petitioner may move the location but must maintain a side yard setback of 12 feet on the right facing dwelling #22 and five feet on the other side yard setback. In addition, the front yard depth must be at least 25 feet. The Petitioner must submit an amended site plan before a building permit can be issued showing the exact location of the home.

*Arnold Jablon*  
Zoning Commissioner of  
Baltimore County

## PETITION FOR VARIANCE

9th Election District

ZONING: Petition for Variance  
LOCATION: South side Aigburth Road, 299 ft. East of Cedar Avenue  
DATE & TIME: Wednesday, October 19, 1983 at 10:00 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side yard setback of 5 ft. instead of the required 10 ft.

The Zoning Regulation to be excepted as follows:  
Section 1B02.3C.1 - side yard setback in D.R. 5.5 zone

All that parcel of land in the Ninth District of Baltimore County

Being the property of Robert D. Battista, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

October 13, 1983

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

Re: Petition for Variance  
S/S Aigburth Rd., 299' E of  
Cedar Avenue  
Case No. 84-103-A

Dear Mr. Battista:

This is to advise you that \$49.69 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 122903

DATE 10-18-83 ACCOUNT R-01-615-000

AMOUNT \$49.69

RECEIVED FROM Robert D. Battista  
FOR Advertising & Posting Case #84-103-A

6 060\*\*\*\*\*05810 8182A  
VALIDATION OR SIGNATURE OF CARRIER

ORDER RECEIVED FOR FILING

DATE *October 29, 1983*  
BY *John P. Langley*

- 3 -



# BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent  
Towson, Maryland - 21204

Date: August 4, 1983

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: August 9, 1983

RE: Item No: 35, 36, 37, 38, 39, 40, 41 (42)  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

The above mentioned items have no bearing on student population.

Very truly yours,  
*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Md. 21204

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
9th day of August, 1983.

Petitioner Robert D. Battista  
Petitioner's Attorney  
Received by Nick Petrovich  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9 Date of Posting 10/2/83  
Posted for Petition for Variance  
Petitioner: Robert D. Battista  
Location of property: 3/4 Aigburth Rd., 299' E of  
Cedar Ave.  
Location of Signs: front of property (facing Aigburth Rd.)  
Remarks:  
Posted by Wm. D. Adams Date of return: 10/7/83  
Number of Signs: 1

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

## NOTICE OF HEARING

Re: Petition for Variance  
S/S Aigburth Rd., 299' E of Cedar Ave.  
Robert D. Battista - Petitioner  
Case No. 84-103-A

TIME: 10:00 A.M.

DATE: Wednesday, October 19, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake  
Avenue, Towson, Maryland

*Arnold Jablon*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 119435

DATE 8/1/83 ACCOUNT 01-615-000  
AMOUNT \$ 35.00

RECEIVED FROM Robert D. Battista  
FOR File on R. D. Battista #92

012\*\*\*\*\*354010 8012A

VALIDATION OR SIGNATURE OF CASHIER

## CERTIFICATE OF PUBLICATION

TOWSON, MD., September 22, 1983.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 19th day of September, 1983, before the 19th day of October, 1983, the 29th day of September, 1983.

THE JEFFERSONIAN  
*L. Frank Strickland*  
Manager.

Cost of Advertisement, \$ 19.25

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for successive weeks, the first publication appearing on the 28th day of Sept 1983.

THE TOWSON TIMES  
*Wm. H. Bensch*  
Cost of Advertisement, \$ 25.44

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

October 20, 1983

Mr. Robert D. Battista  
202 Aigburth Road  
Towson, Maryland 21204

IN RE: Petition Zoning Variance  
S/S of Aigburth Road, 299' E of  
Cedar Avenue - 9th Election  
District  
Robert D. Battista, Petitioner  
Case No. 84-103-A

Dear Mr. Battista:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

AJ/srl

Attachments

cc: John W. Hessian, III, Esquire  
People's Counsel

